

A FRC OPINION 04

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

In the Matter of:)
)
Opinion requested by)
Robert K. Spero)
Addresses, Unlimited)
_____)

No. 75-05;
July 2, 1975

BY THE COMMISSION. We have been asked the following questions by Robert K. Spero, Addresses, Unlimited:

Addresses, Unlimited is a firm engaged in direct mail advertising, including but not limited to printing, mailing list compilation and computer list usage and maintenance. In the regular course of business, Addresses, Unlimited provides these services to many commercial accounts and political campaigns, as well as the State of California. The work for the State of California is related to the legislative newsletter programs, both Senate and Assembly. The company states that the relationship of Addresses, Unlimited with the State of California and its legislators is one of performance of service and the company has no interest whatsoever in influencing the introduction, passage, rejection or administration of any bill.

In order to better perform the service to the Legislature, the company plans to have a Sacramento-based sales representative. Previously, a corporate officer has been making the trip several times weekly.

The selected sales representative would be salaried, paid weekly or monthly, having benefits equal to all other employees.

The person selected as sales representative, Mr. Fred Shanbour, is a legislative advocate registered with the Secretary of State. They state that these activities would not in any way conflict with or contribute to the sales job he would perform for the company.

(1) Do Mr. Shanbour's legislative activities in any way legally change his status as sales representative for Addresses, Unlimited?

(2) Is Addresses, Unlimited required under Government Code Section 82039¹/to file any forms or acquire a license with any state agency in the performance of any of the above work?

¹/
All statutory references are to the Government Code unless otherwise noted.

(3) Although the company has never made any, nor is it planning to, to what extent, if any, are company political contributions regulated?

(4) Are individual employee contributions regulated?

CONCLUSION

(1) Mr. Shanbour's legislative advocate activities in no way legally change his status as sales representative for Addresses, Unlimited.

(2) No filing requirements are imposed on Addresses, Unlimited.

(3) Political contributions by Addresses, Unlimited are not restricted by the fact that they employ Mr. Shanbour.

(4) Political contributions by employees of Addresses, Unlimited are not regulated with the exception of those of Mr. Shanbour.

ANALYSIS

(1) As a legislative advocate, Mr. Shanbour has various legal obligations under the Political Reform Act. He must register and make reports. See Sections 86100 through 86111. He is prohibited from making certain gifts or campaign contributions. See Sections 86200 through 86205. However, these obligations do not affect his status as sales representative for Addresses, Unlimited. The reporting requirements apply to payments received in consideration for influencing legislative or administrative action. See Section 86107. Payments made by Addresses, Unlimited are not for the purpose of influencing such action.

In an opinion adopted by the Commission on May 1, 1975, in response to a question by Les H. Cohen of Advocator, Inc., it was concluded that activities related to legislative newsletters are not lobbying. The activities of Advocator, Inc. closely resemble those of Addresses, Unlimited. Therefore, the activities of Mr. Shanbour in this connection are not within the coverage of the Act.

(2) Addresses, Unlimited has no filing obligations in connection with Mr. Shanbour's work. An employer of a lobbyist must make various reports (see Section 86109), but because Addresses, Unlimited is not employing Mr. Shanbour as a lobbyist, it is not required to report under the Act.

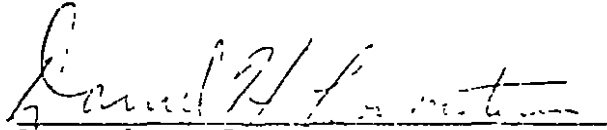
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(3) Political contributions by lobbyists are prohibited under the Act (see Section 86202) and are reportable if made by the employer of a lobbyist. Section 86109(f). A lobbyist is prohibited from arranging for the making of contributions by any other person. However, Addresses, Unlimited is neither a lobbyist nor the employer of a lobbyist as discussed above. No restriction is imposed on campaign contributions by Addresses, Unlimited.

(4) Based on the facts submitted, no restriction is placed on campaign contributions by any employer of Addresses, Unlimited except Mr. Shapiro, who is prohibited from making contributions because he is a lobbyist for other clients.

Approved by the Commission on July 2, 1975. Concurring: Brosnahan, Carpenter, Lowenstein and Miller. Commissioner Waters was absent.


Daniel N. Lowenstein
Chairman